

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



November 5, 2002

Agenda ID #1344**TO: PARTIES OF RECORD IN RULEMAKING 94-04-031 AND INVESTIGATION 94-04-032**

This is the draft decision of Administrative Law Judge Cooke. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ Carol Brown

Carol Brown, Interim Chief
Administrative Law Judge

CAB: avs

Decision **DRAFT DECISION OF ALJ COOKE** (Mailed 11/5/2002)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.

Rulemaking 94-04-031
(Filed April 20, 1994)

Order Instituting Investigation on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.

Investigation 94-04-032
(Filed April 20, 1994)

ORDER CLOSING THESE PROCEEDINGS

The Commission initiated this rulemaking and investigation in 1994 to consider restructuring California's electric services industry and to provide customers with direct access to the competitive market for generation services. On October 2, 2002, Administrative Law Judge (ALJ) Minkin issued a ruling seeking comments on whether these proceedings needed to remain open. The ruling identified which Commission proceedings were the appropriate forum for handling issues that have typically been handled in the restructuring docket. Southern California Edison Company filed comments on October 16, 2002 stating that it had no objections to closure of the proceedings. Pacific Gas and Electric Company and Coalition of California Utility Employees also support closure of the docket in their October 16, 2002 comments. No other comments were filed.

The issues raised in these proceedings are now either moot or are being addressed elsewhere, therefore, as a procedural matter, these proceedings should be closed.

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on _____ and reply comments were filed on _____.

Loretta Lynch is the Assigned Commissioner and Michelle Cooke is the assigned Administrative Law Judge in these proceedings.

Finding of Fact

The issues raised in these proceedings are either moot or are being addressed elsewhere.

Conclusion of Law

Because the issues raised in these proceedings are either moot or are being addressed elsewhere, there is no reason for these proceedings to remain open.

O R D E R

IT IS ORDERED that:

1. Rulemaking 94-04-031 and Investigation 94-04-032 are closed.
2. This order is effective today.

Dated _____, at San Francisco, California.